

1 THE HONORABLE RICARDO MARTINEZ  
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11 UNITED STATES DISTRICT COURT  
12 WESTERN DISTRICT OF WASHINGTON  
13 AT SEATTLE  
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16 KENNETH FLEMING, JOHN DOE, R.K. and  
17 T.D.,  
18

Plaintiffs,

v.

19 THE CORPORATION OF THE PRESIDENT  
20 OF THE CHURCH OF JESUS CHRIST OF  
21 LATTER-DAY SAINTS, a Utah corporation  
22 sole, a/d/a "MORMON CHURCH"; LDS  
23 SOCIAL SERVICES a/d/a LDA FAMILY  
24 SERVICES, a Utah corporation,  
25

Defendants.

26 NO. C04-2338 RSM

DEclaration of JON CONTE  
REGARDING T.D.

I, Jon R. Conte, Ph.D., under penalty of perjury under the laws of the State of Washington, hereby declare as follows:

1. I am a Professor at the School of Social Work, University of Washington, Seattle, Washington, am over the age of 18, and am competent to testify as follows:

2. I have been on the faculty at the University of Washington since 1990. In that capacity, I teach courses on social work practice, child abuse and trauma, and psychotherapy.

DECLARATION OF JON CONTE. - 1 of 7  
(C04-2338 RSM)  
[157818 v10.doc]

LAW OFFICES  
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ORIGINAL

1           3. I am currently on the Editorial Board of Child Abuse and Neglect. I am the  
 2 Editor of the Journal of Interpersonal Violence and the Editor of Trauma, Violence, and  
 3 Abuse: A Review Journal.

4           4. I am the Immediate Past President and was the first President of the American  
 5 Professional Society on the Abuse of Children. I am on the Board of Councilors of the  
 6 International Society for the Prevention of Child Abuse and Neglect.

7           5. I am the author of approximately 50 scientific and academic publications in  
 8 peer-reviewed journals or book chapters. Over my career, I have lectured frequently at  
 9 national or international professional and scientific meetings before multidisciplinary  
 10 audiences of psychologists, physicians, attorneys, social workers and other professionals.

11          6. I have been qualified to testify as an expert on various aspects of childhood  
 12 sexual abuse, trauma and other forensic issues. I have testified as an expert in the following  
 13 states and countries: Washington, Oregon, California, Illinois, Wisconsin, Florida, Virginia,  
 14 New Hampshire, Colorado and Canada.

15          7. I maintained a small private practice on Mercer Island, Washington where I  
 16 specialized in psychotherapy with individual youth and adults; most of whom have been  
 17 sexually abused in childhood. I currently am engaged in the practice of forensic mental  
 18 health. In this capacity, I have evaluated over 4,000 individual children, teens and adults who  
 19 allege psychological damages from sexual abuse in childhood

20          8. Psychotherapy of traumatized individuals inherently involves assisting the  
 21 traumatized individual to understand the connection between the trauma and the various  
 22 harms which result from the trauma. This is a complex process which is central to therapy.

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 DECLARATION OF JON CONTE. - 2 of 7  
 (C04-2338 RSM)  
 [157818 v10.doc]

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1 I was asked by the plaintiffs' attorneys in this case to meet with, test and evaluate  
2 Todd Denny. I conducted that interview on August 26, 2005.

3 9. In conjunction with this request, I interviewed Mr. Denny for about two and  
4 one-half hours. I also reviewed his deposition testimony and other documents.

5 10. I make this declaration in response to defendants' apparent argument that Mr.  
6 Denny has suffered no harm from the childhood sexual abuse he received at the hands of the  
7 perpetrator, Jack LoHolt. I also make this declaration in response to defendants' motion to  
8 dismiss Mr. Denny's case pursuant to the statute of limitations. While not a lawyer, I have  
9 expertise on how childhood sexual abuse and its effects manifest themselves and how abuse  
10 victims process the effects of the abuse; including how they come to understand that they  
11 have been harmed and the processes whereby they make a connection between an event and  
12 the resulting harms.

13 11. To suggest that Mr. Denny has not been harmed by the sexual abuse requires  
14 the person making such a claim to virtually ignore the scientific findings on the effects of  
15 sexual abuse and recent social history. To be sexually abused is to carry a stigma with  
16 profound ramifications for how the victim sees himself and how others see him as well.  
17 Because sexual abuse is inherently sexual behavior and is generally regarded as deviant (takes  
18 place at an age and by a person with whom it is generally regarded a victim cannot and should  
19 not give consent to have sex with) victims typically do not disclose when it happens. In Mr.  
20 Denny's case he did not even tell his wife and indeed told no one until the emergence of this  
21 lawsuit.

1       12. It is my opinion that disclosure has become even more difficult for victims  
2 over the last ten years or so as the images of victims of childhood sexual abuse portrayed in  
3 the media is that they are drug addicts, murderers, or possess multiple personality disorders.

4       13. In addition to the inevitable shame, guilt, and embarrassment, the very fact of  
5 being labeled a victim of childhood sexual abuse is a harm regardless of what mental  
6 symptoms the individual does or does not present. A person can be harmed without carrying  
7 a formal diagnosis. Indeed, it is my opinion on a more probable than not basis to a reasonable  
8 degree of psychological certainty that Mr. Denny was harmed and negatively impacted by the  
9 abuse, although he does not meet diagnostic criteria for a psychiatric diagnosis.

10      14. The fact of being abused renders Mr. Denny not as free of stress or free in  
11 thought as he would have otherwise been. Every time he reads or hears an account of sexual  
12 abuse he is reminded of the fact that he is a victim. Perhaps the greatest freedom from a  
13 mental health point of view is the fact of being free in ones own mind. Mr. Denny will never  
14 be truly free as he is periodically reminded of being abused in his youth.

15      15. It should also be noted, as I indicated in my report of August 2005, that Mr.  
16 Denny appears to present his life with a "macho" façade. He reports being uncomfortable  
17 with emotions. He is somewhat isolated or introverted and not psychologically aware. He  
18 gives the impression of a man who does not want to think that he has been harmed by the  
19 abuse. The personality of Mr. Denny renders him unlikely and unable to understand the harm  
20 which the abuse has caused him. For him to do so, he would have to act completely out of  
21 character and admit to not being the macho, "in control," man he presents to the world. In  
22 short, as of the date of my evaluation, it is my opinion Mr. Denny did not comprehend the full  
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25      26 DECLARATION OF JON CONTE. - 4 of 7  
(C04-2338 RSM)  
[157818 v10.doc]

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1 extent of his injuries or their causal connection to the abuse. Indeed, it is my opinion he had  
 2 no understanding prior to the filing of this lawsuit that any of his problems were related to the  
 3 abuse.

4       16. Finally, contrary to assertions by defendants, Mr. Denny did describe harms to  
 5 me which likely result from the fact of being abused, including anger and other negative  
 6 emotions. I clearly stated in my August 2005 report the nature of these harms. He told me  
 7 that now that he knows more details about Mr. LoHolt's history of acting out and hurting  
 8 other children, he is even more angry. He is greatly disturbed by the actions of the Church  
 9 which placed him and other youth at risk.

10      17. He told me that since learning about the Church's role in allowing this to  
 11 happen and how damaged other victims are, he thinks about what happened with frequency.  
 12 It is my opinion that since learning other children were abused during the last three years he  
 13 has began to process what happened to him. He told me that when he drives by where Mr.  
 14 LoHolt lived he thinks about the abuse. He wonders how it impacted him.

15      18. He has problems communicating and expressing emotion. He wonders if this  
 16 is related to the abuse. He told me that he has not cried in 25 or 30 years, except one time 15  
 17 years ago when he was injured. These statements tend to suggest a person who has not  
 18 processed his emotions; indeed he does not appear to have easy access to his emotions.

19      19. He believes his abuse experience has impacted his parenting. He told me it  
 20 makes him "very dubious" and untrusting of others. He told me that he worries that he will  
 21 have to explain what happened to him to his children. He told me that the idea of explaining  
 22 it to his children was difficult because it was so embarrassing for so long.

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 26 DECLARATION OF JON CONTE. - 5 of 7  
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1           20. Mr. Denny told me that it bothers him that people focus on him. He does not  
 2 want to supervise others for this reason. He hates giving public speeches and he does not like  
 3 to eat in front of other people. He can speak if he has to for his job but he does not like it. He  
 4 does not like large crowds.

5           21. Mr. Denny presents as a man who has been harmed by the sexual abuse, albeit  
 6 not in the ways that modern media have stereotyped victims of childhood sexual abuse, or not  
 7 as badly as other victims in this lawsuit. However, anger, embarrassment, shame and anxiety  
 8 are very real effects of child sexual abuse. Furthermore, because of his tendency not to  
 9 explore his feelings surrounding the abuse, he has just begun to comprehend the effects of the  
 10 abuse during the process of this lawsuit.

12           I certify under penalty of perjury, under the laws of the State of Washington and the  
 13 United States, that the foregoing is true and correct

15           DATED this 30<sup>th</sup> day of January, 2006 at Seattle, Washington.

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1                   CERTIFICATE OF ELECTRONIC FILING

2                   I hereby certify that on January 30, 2006, I electronically filed the foregoing  
3 **DECLARATION OF JON CONTE RE TD** with the Clerk of the Court using the CM/ECF  
4 system which will send notification of such filing to the following:  
5

6                   Thomas D. Frey and  
7                   Marcus Nash  
8                   STAFFORD FREY COOPER  
9                   601 Union Street, Suite 3100  
10                  Seattle, WA 98101-1374

11                  DATED this 30<sup>th</sup> day of January, 2006.

12                  \_\_\_\_\_  
13                  /s/Teri A. Watson \_\_\_\_\_  
14                  Teri A. Watson  
15                  Assistant to Michael T. Pfau,  
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